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DOCKET NO.: CHIR-0315

11-28-3
Rce/1645
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 05 2003

TECH CENTER 1600/2900

In Re Application of:

Covacci, et al.

Confirmation No.: 7773

Application No.: 09/921,157

Group Art Unit: 1645

Filing Date: August 2, 2001

Examiner: S. Devi

For: **HELICOBACTER PYLORI CYTOTOXIN PROTEINS USEFUL FOR
VACCINES AND DIAGNOSTICS**

EXPRESS MAIL LABEL NO: EL 970384939 US
DATE OF DEPOSIT: November 26, 2003

EL970384939US

Mail Stop ☒ AF
☐ ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the
above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously
filed on . (Any unentered amendment(s) referred to above will
be entered).

☐ Consider the arguments in the Appeal Brief or Reply Brief previously
filed on .

☐ Other: .

12/02/2003 SZEWDIE1 00000016 09921157

01 FC:1253
02 FC:1801

950.00 OP
770.00 OP

- ☒ Enclosed
- ☒ Amendment/Reply under 37 CFR § 1.116
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$385.00	\$	\$770.00	\$770.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	4	20 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	4	5 (3 MINIMUM)	0	\$43 EACH	\$	\$86 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$950.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1005	\$	\$2010	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$0)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
TOTAL FEE DUE					\$		\$1720.00

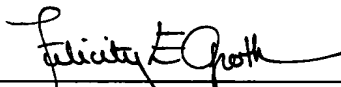
- ☒ A check in the amount of **\$1720.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$ _____.00. This sheet is attached in duplicate.
- ☒ A response to the Official Action dated June 4, 2003 was due on December 4, 2003. Petition is hereby made under 37 CFR § 1.136(a) to extend the time

period for response from September 4, 2003 to and through December 4, 2003 comprising an extension of the shortened statutory period of three month(s).

- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising an extension of the shortened statutory period of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: November 26, 2003

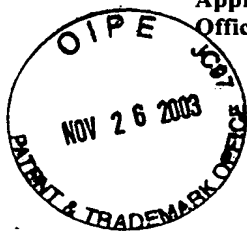


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DOCKET NO.: CHIR-0315
Application N .: 09/921,157
Office Action Dated: June 4, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116



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For: *Helicobacter pylori* cytotoxin proteins useful for vaccines and diagnostics

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REPLY PURSUANT TO 37 CFR § 1.116

In response to the Official Action dated **June 4, 2003**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ Amendments to the Specification begin on page _____ of this paper.
- ☒ Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ Amendments to the Drawings begin on page _____ of this paper and include an attached replacement sheet.
- ☒ Remarks/Arguments begin on page 4 of this paper.